

REMARKS

The present paper is submitted in response to the Office Action. No claims are amended. Claims 1-9 and 11-41 remain pending. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. Examiner's Interview

Applicant's express their appreciation to the Examiner for conducting a telephone interview with Applicants' representative on October 21, 2008. In the interview, the independent claims and references applied by the Examiner to those claims were discussed. Although no agreement was reached, the Examiner agreed to reconsider the rejection if the points raised by Applicants' representative during the interview were provided in the form of written remarks in an after-final response. Therefore, Applicants have promptly filed this after-final response to provide such written remarks. In addition and in accordance the Examiner's request during the interview, Applicants have addressed independent claim 15 separately from independent claims 1 and 25 in the remarks below.

II. Rejection Under 35 U.S.C. § 103

The Examiner rejected claims 1-9 and 11-41 under 35 U.S.C. § 103 as being unpatentable over U.S. Publication No. 2003/0037033 to *Nyman et al.* ("*Nyman*") in view of U.S. Publication No. 2003/0120605 to *Fontana et al.* ("*Fontana*"). Applicants respectfully traverse the rejection.

A. Claims 1-9, 11-14, and 25-41

Claim 1 recites, among other things: "a single keyset profile...having a plurality of encryption keysets, each encryption keyset being used to decrypt encrypted data received from a

different access point....” Claim 25, although of different scope, recites similar language, e.g., “a data store that stores the different encryption keysets in a single keyset profile...wherein said keyset profile is used to decrypt all of said captured encrypted data received from said plurality of wireless access points.”

According to the Examiner, *Nyman* “does not explicitly disclose a plurality of encryption keysets.” See *Office Action*, p. 4. The Examiner then alleged, however, that *Fontana* “discloses an analyzer adapted to decrypt said encrypted data received by said at least wireless card by using each of said plurality of encryption keysets in sequence until all of said encrypted data has been decrypted (See page 3, Sections 0036-0037)” and that “it would have been obvious...to combine *Nyman et al.*’s wireless system with *Fontana et al.*’s software prevention method.” See *id.* Applicants respectfully disagree.

Fontana describes keys used in the context of protecting software from piracy (see e.g., paragraph [0002]), not “a plurality of encryption keysets, each encryption keyset being used to decrypt encrypted data received from a different access point,” as claimed. (Emphasis added.) In fact, the Examiner appears to acknowledge that *Fontana* is directed to encryption and decryption of software:

The security key is used to encrypt the software to protect the software and the key is used to decrypt the software... The security key can be formatted in unencrypted form to decrypt the protected software. By making it impossible to compute the single keyset, the communications key and security key are protected which protects the software.

See *Office Action*, p. 2 (emphasis added.)

Therefore *Fontana*, being directed to an unrelated use of encryption keys, does not remedy *Nyman*’s failure to disclose the claimed “plurality of encryption keysets, each encryption keyset being used to decrypt encrypted data received from a different access point” (claim 1) or the claimed “data store that stores the different encryption keysets in a single keyset profile... wherein said keyset profile is used to decrypt all of said captured encrypted data received from said plurality of wireless access points” (claim 25). (Emphases added.) Applicants thus respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1 and 25, and the rejection of claims 1 and 25, and corresponding dependent claims 2-9, 11-14, and 26-41, should accordingly be withdrawn.

B. Claims 15-24

Claim 15, although of different scope, recites language similar to that of claims 1 and 25 discussed above. For example, claim 15 recites “a step for establishing a keyset profile...said keyset profile having all keysets being used by any of said at least two access points.” In rejecting claim 15, the Examiner relied on the same combination of *Nyman* and *Fontana* as in claim 1 (see *Office Action*, pp. 9 and 10). However, as discussed above with respect to claim 1, the keys in *Fontana* are associated with a particular software program to be protected, not with access points in a network. Therefore, the Examiner’s reliance on *Fontana* is inapposite.

Moreover, although the Examiner pointed to paragraph [0094] of *Nyman* in connection with the aforementioned limitation (see *Office Action*, p. 10), this passage merely describes “an example of a method to enforce the restriction of name display.” For example, the method uses public and private keys to “restrict which devices can display a name” associated with an encrypted message. The name displaying method does not teach or suggest “establishing a keyset profile...said keyset profile having all keysets being used by any of said at least two access points,” as claimed.

In light of the foregoing, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 15, and the rejection of claim 15, and corresponding dependent claims 16-24, should accordingly be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 22nd day of October, 2008.

Respectfully submitted,

/Ronald J. Ward/Reg. No. 54,870

RONALD J. WARD

Registration No. 54,870

ERIC L. MASCHOFF

Registration No. 36,596

Attorneys for Applicant

Customer No. 022913

Telephone: (801) 533-9800